

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA	:	CRIMINAL NO. 1:CR-03-251-05
	:	
v.	:	
	:	
MICHAEL MCKINNON	:	

ORDER

Before the court is Petitioner McKinnon's motion for discovery. McKinnon has filed a motion to vacate judgment pursuant to 28 U.S.C. § 2255. The Government has filed a response to that motion. McKinnon claims he needs discovery in order to file a reply brief. He seeks notes of interviews and statements by witnesses which he claims will assist him in refuting factual statements set forth in the Government's response.

The facts set forth by the Government in its responsive brief to McKinnon's § 2255 motion come from the trial transcript and the presentence report. McKinnon had every opportunity to confront witnesses at trial. He raised no objection to the facts as related in the presentence report.

It appears that McKinnon wants discovery so that he can refute the factual statements of witnesses who testified at trial and to show that the Government agents were colluding in their testimony. The United States Attorney's Office for the Middle District of Pennsylvania has a liberal policy in providing defense counsel with pretrial discovery. McKinnon and his counsel were given ample opportunity to review discovery. Defense counsel on at least four occasions spent hours reviewing documents in the United States Attorney's Office and, on another occasion, this court

ordered the United States Marshals Service to keep McKinnon at the courthouse to review discovery with counsel. McKinnon's request at this point in the proceedings is without merit.

IT IS THEREFORE ORDERED THAT the motion for discovery is denied. McKinnon's deadline for filing a reply brief is extended to February 17, 2011.

s/Sylvia H. Rambo
United States District Judge

Dated: January 27, 2011.